

Tempe City Council Thursday, October 08, 2009

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 PM

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Vice-Mayor Ellis**
2. **PLEDGE OF ALLEGIANCE**
3. **MINUTES - Councilmember Arredondo**

A. Approval of Council Meeting Minutes

1. [Formal Council Meeting - September 10, 2009 & September 17, 2009](#)
2. [Issue Review Session - September 10, 2009, & September 17, 2009](#)
3. [Executive Session - September 10, 2009, September 17, 2009](#)
4. [Council Calendar Meeting - September 10, 2009](#)
5. [Council Technology, Economic & Community Development Committee Technology Community Forum - April 15, 2009](#)
6. [Council Technology, Economic & Community Development Committee Economic Community Forum - May 27, 2009](#)
7. [Council Quality of Life Committee - May 28, 2009](#)
8. [Council Technology, Economic & Community Development Committee - June 12, 2009 & July 10, 2009](#)
9. [Council Neighborhood Parks Rehabilitation and Maintenance - August 19, 2009](#)
10. [Mill and Lake District Committee - July 2, 2009 & August 20, 2009](#)
11. [Council's Housing Committee - September 22, 2009](#)

Approved

B. Acceptance of Board & Commission Meeting Minutes

1. [Double Butte Cemetery Advisory Committee - March 18, 2009 & May 20, 2009](#)
2. [Tempe Police Public Safety Personnel Retirement Board - July 9, 2009 & August 20, 2009](#)
3. [Library Advisory Board - May 4, 2009](#)
4. [Parks and Recreation Board - June 17, 2009](#)
5. [Tardea Advisory Board - August 3, 2009](#)
6. [Committee for Youth, Families and Community - August 11, 2009](#)

7. [Historic Preservation Commission - August 13, 2009](#)
8. [Tempe Fire Public Safety Personnel Retirement Board - August 20, 2009](#)
9. [Development Review Commission - August 25, 2009](#)
10. [Hearing Officer - September 1, 2009](#)
11. [Advocacy and Communication Committee Subcommittee of Municipal Arts Commission - September 1, 2009](#)
12. [Mayor's Youth Advisory Committee - September 1, 2009](#)
13. [2010 Census Complete Count Committee - September 8, 2009](#)
14. [Special Events Task Force - September 22, 2009](#)

Approved

4. REPORTS AND ANNOUNCEMENTS

- A. Mayor's Announcements
 - a. **American Institute of Architects Award for Tempe City Hall Building**
 - b. **Higgins Foundation Charitable Grant Recognition**
 - c. **Board and Commission Recruitments**
 - d. **Fire Prevention Week Proclamation**
- B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may make a vote to adjourn to executive session for the purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

- *1. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for The Yaya Thai LLC., dba Thai Basil, 1111 South Rural Road.](#)

COMMENTS	Narong Thavilanut is the Agent for this application.
DOCUMENT NAME	20091008LIQ01 LIQ LIC (0210-02)

Approved

- *2. [This is a public hearing to recommend the approval of a Series 7 beer and wine bar liquor license for Sports Center Bar & Grill LLC dba Sports Center Bar & Grill, 5235 South](#)

[Kyrene Road, #104.](#)

COMMENTS Richard Regalado Jr. is the Agent for this application.
DOCUMENT NAME 20091008LIQ05 LIQ LIC (0210-02)

Approved

- *3. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for Mostafavi Holdings I, LLC dba Pancharo's, 555 North Scottsdale Road.](#)

COMMENTS Kaveh Mostafavi is the Agent for this application.
DOCUMENT NAME 20091008LIQ04 LIQ LIC (0210-02)

Approved

4. [Request approval to authorize the Mayor to execute a Rehabilitation and License Agreement with Veterans Memorial - Tempe, LLC, an Arizona Limited Liability Company for the rehabilitation of the Ash Avenue road approach, Ash Avenue bridge abutment and construction of a Veterans Memorial in Tempe Beach Park.](#)

COMMENTS Execution of the agreement will allow Veterans Memorial-Tempe L.L.C to design and construct the Veterans Memorial and return the completed project to the City within three (3) years from execution of the agreement

DOCUMENT NAME 20090910cdnr01 RIO SALADO MASTER PLAN (0112-07-03)

Approved

5. [Request approval of the annual software maintenance and support expenditure with the Tata Consulting Services, Limited for the City's business/privilege tax software system used by the Tax and License Division of the Financial Services Department.](#)

COMMENTS (Sole Source #T01-087-01) Total cost shall not exceed \$109,200.00

DOCUMENT NAME 20091008fsts06 PURCHASES (1004-01)

Approved

6. [Request approval for the Mayor to execute an agreement between the City of Tempe \("Tempe"\), a municipal corporation organized under the laws of the State of Arizona, and the Downtown Tempe Community \("DTC"\), a 501\(c\)\(6\) non-profit Arizona organization for the approval of an agreement to produce the 2009 Tempe Festival of the Lights.](#)

COMMENTS The cost of City services provided in support of this event shall be reimbursed by DTC per the terms of this agreement.

DOCUMENT NAME 20091008prtd01 DOWNTOWN TEMPE COMMUNITY, INC (0109-30)

Approved

7. [Request approval for the Mayor to execute a five-year agreement with two additional five-year renewal options between the City of Tempe \("Tempe"\), a municipal corporation organized under the laws of the State of Arizona, and the Downtown Tempe Foundation \("DTF"\), a 501\(c\)\(3\) non-profit Arizona organization for the approval of an agreement for the operation, management and production of the Festival of the Arts for five \(5\) consecutive years, beginning with the Fall 2009 Festival.](#)

COMMENTS The cost of City services provided in support of this event shall be reimbursed by DTF.

DOCUMENT NAME 20091008prtd02 DOWNTOWN FOUNDATION (0109-34)

Approved

8. [Request approval of the acceptance of an Experience Corps/AmeriCorps grant to provide the Experience Corps early literacy program in selected Tempe Elementary School District #3 and Kyrene Elementary School District schools.](#)

COMMENTS The grant is for \$35,814 for the 2009-10 school year. The required 38% match is provided by additional grant funds.

DOCUMENT NAME 20091008cskb01 COMMUNITY SERVICES ADMIN (0701-01)

Approved

9. [Request approval to adopt notice of Intent to enter into a retail development tax incentive agreement for SeaLife Aquarium Project](#)

COMMENTS N/A

DOCUMENT NAME 20091008cdssw01 COMMUNITY DEVELOPMENT/
REDEVELOPMENT ADMIN (0403-01)

Approved

B. Award of Bids/Contracts

1. [Request approval of the executable contract with Nationwide Retirement Solutions and Galloway Asset Management to provide 401\(k\) and 457\(b\) deferred compensation administration services for eligible City employees and retirees.](#)

COMMENTS (RFP 09-112) Plan expenses are paid by participants through the investments selected.

DOCUMENT NAME 20091008fsmg02 PURCHASES (1004-01)

Approved

2. [Request approval to utilize a one-year City of Glendale contract with Badger Meter, Inc. for the purchase of 5/8" through 2" lead free residential water meters for the Water Utilities Department.](#)

COMMENTS (WUD08-027) Total cost of this contract shall not exceed \$750,000.

DOCUMENT NAME 20091008fst03 PURCHASES (1004-01)

Approved

3. [Request approval to utilize one-year City of Tucson contracts with Insight Public Sector, Mobile Concepts Technology and Portable Computer Systems for the purchase of Panasonic Toughbook PC's, tablet PC's, accessories, related services and microwave communications equipment for the Fire Department, Police Department and other City departments.](#)

COMMENTS (0703103) Total cost of this contract shall not exceed \$820,000.

DOCUMENT NAME 20091008fst04 PURCHASES (1004-01)

Approved

4. [Request approval to utilize two-year Western States Contracting Alliance contracts with Dell and Hewlett Packard Company for the purchase of personal computer equipment and related devices, software and consulting services for the Information Technology Department.](#)

COMMENTS (ADSP010-00000005 and ADSP010-00000010) Total cost of this contract shall not exceed \$1,400,000 for the two-year contract period.

DOCUMENT NAME 20091008fst05 PURCHASING (1004-01)

Approved

5. [Request approval to utilize a one-year State of Arizona contract with Dell \(formally ASAP Software Express, Inc.\) for the purchase of desktop productivity, Microsoft office, and server operating system software for the Information Technology Department.](#)

COMMENTS (AD050028-A3-010) Total cost of this contract shall not exceed \$1,250,000.

DOCUMENT NAME 20091008fst07 PURCHASES (1004-01)

Approved

6. [Request approval to award a one-year sole source contract with four, one year renewal options to Corona Software Inc., dba Corona Solutions for the purchase of a patrol deployment management software system for the Police Department to include site license, training, data processing, application setup, IT program implementation, and first year support.](#)

COMMENTS Sole Source (Contract 10-060) Total amount of the contract shall not exceed \$75,200 during the initial one year term.

DOCUMENT NAME 20091008fst09 PURCHASES (1004-01)

Approved

7. [Request approval of a one-year renewal of a contract with the Advocacy Group for federal lobbyist and information services.](#)

COMMENTS (T08-021-01) Total amount not to exceed \$105,600.

DOCUMENT NAME 20091008fst010 PURCHASES (1004-01)

Approved

8. [Request award of a construction manager at risk \(CMAR\) design phase contract with Achen-Gardner Engineering, LLC for phase II rehabilitation of the Southern Avenue interceptor. This is a bond-funded project on the approved CIP project list.](#)

COMMENTS Total cost for the CMAR design contract is \$89,985.80.

DOCUMENT NAME 20091008PWDR01 WASTEWATER MANAGEMENT (0812-01)
PROJECT NO. 3200585

Approved

- C. [Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.](#)

- *1. [This is the introduction and first public hearing for a Code Text Amendment for the ZONING AND DEVELOPMENT CODE. The second public hearing is scheduled for October 22, 2009.](#)

COMMENTS Request for ZONING AND DEVELOPMENT CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) consisting of changes within the Code for process improvements, clarifications and responses to changing uses and trends for Abatements; APAC Committee repeal; Hearing Officer duties; revised regulations on Accessory

Buildings; New Provisions for Guest Quarters; Small Animals; Card Rooms; Recycling Centers; Commercial/Restaurant uses in Industrial Districts; Outdoor Retailing; Service Entrance and Exits; Outdoor Dining Parking; Freeway Signs; Development Plan Review Criteria and Time Limitations; Use Permit and Variance Time Limitations; Notice of Appeals; Extension Requests; Revocations; and definitions for Card Room, Columbarium, Donation Bins, Livestock, Poultry, Recycling Centers, Reverse Vending Machines, Small Animal and Smoking Establishment. The request includes the following:

ZOA09001 (Ordinance No. 2009.15) – Code Text Amendment for the Zoning and Development Code within Sections 1-304, 1-305, 1-306, 3-102, 3-202, 3-302, 3-401, 3-404, 3-410, 3-411, 3-417, 3-418, 3-503, 4-406, 4-603, 4-902, 4-903, 6-306, 6-308, 6-309, 6-310, 6-802, 6-901, 6-902, 7-103, 7-104, 7-105, 7-108, 7-113, 7-117, 7-119, 7-120, and 7-121.

DOCUMENT NAME 2009100809dsrl01 ZONING & DEVELOPMENT CODE (0414-01, -03, -04, -06, -07) Ordinance No. 2009.15

2ND Public Hearing Scheduled for 10/22/09

- *2. [This is the introduction and first public hearing for a Code Text Amendment for the TEMPE CITY CODE. The second public hearing is scheduled for October 22, 2009.](#)

COMMENTS

Request for TEMPE CITY CODE AMENDMENTS (PL090008) (City of Tempe Development Services Department, applicant) consisting of amendments to Chapter 6 of the Tempe City Code, relating to animals and fowl and amendments to Chapter 21 of the Tempe City Code, relating to nuisances and property enhancement. The request includes the following:

ZOA09001 (Ordinance No. 2009.38) – Code Text Amendment for the Tempe City Code Chapter 6, Section 6-3, and Chapter 21, Sections 21-42, 21-43, and 21-53.

DOCUMENT NAME 20091008dsrl02 TCC CH 6 – ANIMALS AND FOWL (0503-06) & TCC CH 21 – NUISANCES AND PROPERTY ENHANCEMENT (0503-21) Ordinance No. 2009.38

2ND Public Hearing Scheduled for 10/22/09

- *3. [This is the introduction and first public hearing to amend Chapter 2, Article V, Division 12, of the Tempe City Code, relating to Tempe Citizens' Panel for Review of Police Complaints and Use of Force by amending Section 2-288 relating to Powers and Duties. The second public hearing is set for October 22, 2009.](#)

COMMENTS

This ordinance amends the definition of serious injury to read as “physical injury that creates a reasonable risk of death, or that causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb”.

DOCUMENT NAME 20090820pdsam01 TCC CH 2 – CITY CODE ADMINISTRATION (0503-02) Ordinance No. 2009.37

2ND Public Hearing Scheduled for 10/22/09

D. Ordinances and Items for Second Hearing/Final Adoption

E. Resolutions

1. [Request approval of a resolution authorizing the Mayor to execute a Development Agreement with Michael Monti's Restaurants and Catering, Inc., the operator of Monti's La Casa Vieja.](#)

COMMENTS N/A

DOCUMENT NAME 20090917cdcm01 SW QUADRANT DOWNTOWN TEMPE
(040E-02-04) Resolution No. 2009.106

Approved

2. [Request approval of a resolution authorizing the Mayor to execute an easement encroachment permit and indemnification agreement to Arizona Public Services Company \(APS\) for the Tempe/USACE \(United States Army Core of Engineers\) multi-use path along the south bank of the Salt River west of McClintock Drive.](#)

COMMENTS APS has requested the encroachment permit and indemnification agreement for multi-use path improvements to be constructed below their existing 230kV power lines and across their easement.

DOCUMENT NAME 20091008PWWS02 EASEMENTS (0904-01) Resolution
2009.104

Approved

3. [Request approval of a resolution authorizing the Mayor to execute a Development Agreement with Hammes Company Sports Development, Inc., or its affiliate \("Developer"\).](#)

COMMENTS N/A

DOCUMENT NAME Culver's COMMUNITY DEVELOPMENT/REDEV. ADMIN.
(0403-01) Resolution No. 2009.108

Approved

4. [Request approval of a resolution authorizing the Mayor to execute a First Amendment to Development and Disposition Agreement \(and documents referenced therein\) with Red's Moviola LLC, more commonly known as the Valley Art Theater.](#)

COMMENTS N/A

DOCUMENT NAME 20091008cdcm01 SW QUADRANT DOWNTOWN TEMPE
(0403-02-04) Resolution No. 2009.101

Approved

5. [Request approval of a resolution authorizing the Mayor to execute an Intergovernmental Agreement between the City of Tempe and Salt River Pima-Maricopa Indian Community \("SRPMIC"\) for the disbursement of a portion of its gaming proceeds for services which benefit the public.](#)

COMMENTS Total amount of the grant is \$335,000.

DOCUMENT NAME 20091008graw01 STATE LEGISLATURE (0107-06) Resolution
No. 2009.109

Approved

6. [Request approval of a resolution authorizing the Mayor to execute a funding agreement between the City of Tempe and Arizona State University-Indian Legal Program \("ASU-ILP"\) to disburse SRPMIC gaming proceeds.](#)

COMMENTS N/A
DOCUMENT NAME 20091002graw02 STATE LEGISLATURE (0107-06) Resolution No. 2009.111

Approved

7. [Request approval of resolution No. 2009.110 authorizing the Mayor to execute a Development Agreement with The Mill Avenue Farmers Market, LLC.](#)

COMMENTS N/A
DOCUMENT NAME Farmers Market COMMUNITY DEVELOPMENT ADMIN. (0406) Resolution No.

Approved

6. PUBLIC APPEARANCES

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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